MR. N. NARAYANA KURUP: I move the amendment that:—

In Clause 13, sub-clause (1) (b) omit the rest of the sentence after the words "shall set aside the sale" in line 7 and add "and that debtor shall have all the benefits under Sections 9 and 10, if the purchaser is the decree-holder" and read the whole Clause.

Sir, with the amendment the section would read, "then notwithstanding anything contained in the Travancore Limitation Act or the Code of Civil Procedure, 1100, or any other law for the time being in force, the debtor may within ninety days from the commencement of this Act, apply to the Court or authority which held the sale to set aside the sale, and such Court or authority, as the case may be, shall set aside the sale and that debtor shall have all the benefits under Sections 9 and 10, if the purchaser is the decree holder."

The principle of my amendment will be acceptable on general grounds. This provision for setting aside the sales after 1-12-1114 was taken from the draft bill of the Debt Relief Committee.

The intention of adopting the Section by the Debt Relief Committee was this. There was an agitation by the debtors that the creditors are hurrying up the execution of decrees to harass them and thereby realise the dues before the Act comes into force. The debtors requested the Committee to recommend to Government for a stay of all execution proceedings, till the New Legislation. After discussion the committee came to the conclusion that a provision to set aside all sales after the appointment of the committee shall be added, whereby the debtor will get all benefits under the provisions even if the creditors have sold their properties. With that idea, naturally the Debt Relief Committee adopted the provision to set aside all sales that has taken place after 1-1-1114, the date of the appointment of the Committee. In cases where unauthorised sales have taken place, such sales will be set aside and relief granted to the debtors under order 21 Rl. 87 of the C. P. C. The existing provision found in the Bill will not help the debtor to pay the debt in instalments of 2, 6 or 9 years, as it was intended. The clause suggested by the Debt Relief Committee is:—

"When in execution of any decree

(a) Any sale of immovable property has taken place before the first day of Karkadagom 1114 but such sale has not been confirmed, or

(b) any sale of immovable property has taken place on or after the first day of Karkadagom 1114 and whether such sale has been confirmed or not,

then notwithstanding anything contained in the Limitation Act, 1100, or the Civil Procedure Code, 1100, or any other law for the time being in force, the debtor or any person interested in the immovable property may apply to such court or prescribed authority within ninety days from the commencement of this Act to set aside the sale and such court or authority shall, if on scaling down the decree debt in accordance with the provisions of this Act, it is satisfied that the amount for which the sale has been effected is in excess of the amount found due on such scaling down, order the sale to be set aside and thereupon the sale shall be deemed to have not taken place at all."

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By the above recommendation, the sale will be set aside. The debtor will not be compelled to pay the whole amount in one year. He can choose his own relief. According to the provision in this Bill, the debtor has to deposit one-third of the debt within six months and the rest of the amount within one year. Such a provision is not to the full benefit of the debtor. The Debt Relief Committee never suggested that 1/3 of the money should be deposited and the rest within a period of one year. On the other hand, they directed a payment within one year only in cases where the purchaser is a stranger.

This is the provision.

"where a sale is set aside, the purchaser, if a stranger, shall be entitled to an order for repayment of any..... ...money paid by him against the person to whom it has been paid....."

By this, the debtor has to pay the amount in an year only if the purchaser is a stranger. But where the decree-holder himself is the purchaser, the sale will be set aside and the debtor will be allowed to pay in instalment system as suggested in the provision. Therefore, according to the provision in the Bill, the debtor is not given the full benefit that was intended by the Debt Relief Committee or the maker of the Bill.

With these observations, I commend my amendment for the acceptance of the House.

MR. PADIYARA JOSEPH KUNJU: I second the amendment.

MR. E. SUBRAMONIA AIYAR: I oppose the amendment. We are not following the Bill as framed by the Debt Relief Committee. The real question is, what is the cost of relief which a debtor should get for discharging his debt. It is not whether the suggestions of the Debt Relief Committee should be accepted enblock. Sir, there are certain subtleties involved in the provision. In the case of sales of immovable properties which have taken place before the first Karkadagom 1114, a test has to be applied, according to the Bill as I understand it. A debtor might have got his debts scaled down in a particular way, and the amount for which the property has been sold might not have exceeded the amount due by him. According to the calculations made therein, the sale need not be set aside. In other words say, a debt is for Rs. 3,000. The property was sold for Rs. 4,000. The question of setting aside the sale will not arise. If the value of the property sold on calculation comes to about Rs. 1,900, then the aspect of setting aside will arise. In that manner the Debt Relief Committee might have formed an opinion, that is to say when the property gets sold far below the decree amount. The principle involved as far as this Bill goes is, that the property should not be sold at a low price than the decree amount. According to the Bill, the relief will be given in two cases. One is where the property has been sold after the first Karkadagom 1114 whether the sale has been confirmed or not, the other is, the sale of immovable property taking place after 1-12-1114 whether it is confirmed or otherwise. In both cases no question of scaling down arises. What is the decree amount and what is the value got by selling the

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[Mr. E. Subramonia Aiyar]

property in auction? The relation between these is found out. The idea involved in the Bill is whether the sale of immovable property practically amounts to a satisfaction of the decree amount. The rule of law is, that the sale if not set aside, according to the Civil Procedure Code will automatically be confirmed. That means, completely closing the transaction. In fact that is, merging as it were from the domain of property.

MR. C. JEBAMONY NADAR: Suppose a portion of the debt amount is realised, what will be the reaction?

MR. E. SUBRAMONIA AIYAR: It is *pro-tanto* satisfaction of the decree. Under the Civil Procedure Code one has a right to set aside the sale only on certain definite grounds. I was pointing out that when once the sale of immovable property has taken place the party has left the domain of contract and entered into the domain of property. In an Act to regulate the relationship between a debtor and a creditor, it is really a great concession made when interference is sought to be made in the sort of proprietory rights.

Sir, the present section in the Bill does not say that one's right under Order 21, Rule 86 of the Civil Procedure Code has been taken away. One can deposit the entire decree amount stated in the claim within 30 days for setting aside the sale when found unjust. It may be remembered that as per Rule 27, one has a right of setting aside the sale on the ground of material irregularity in the publication or conduct of the sale, provided substantial injury has resulted to a debtor. If the debtor feels that the creditor has taken advantage of the situation and has got the property sold for an inadequate price by methods which are dubious, the law comes to the rescue of the debtor and that successfully. The assumption involved here is, all these conditions, are past. Under Order 21, Rule 86, you are not availing yourself of this. You are not able to find money to deposit within 30 days. Even in such cases by this clause, a debtor is given further concession. He gets a right to set aside the sale, not by means of depositing the entire decree amount, but by paying 70 per cent. of the decree amount. No question of immediately depositing within a number of days arises, Even one year can be taken for that. So, this provision is sufficient precaution for one who complains that his property has been sold for a very low amount. If he has a real grievance, then certainly on that same property he can raise 70 per cent. of the debt. The present clause, therefore, is intended to remove all sorts of suspicion arising from a sale between an auction purchaser, decree holder and other persons on the one hand and a debtor on the other.

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I agree with what has been stated by Mr. Subramonia Aiyar. This clause deals with a class of debts governed by special circumstances. In the case of debts which have not matured into a decree, certain provisions have been made; for debts which have matured into a decree, some other provisions have been made; debts which have not only merged in a decree but are the

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subject matter of court sale are dealt with under this clause. When once the court sale is held, a debtor gets certain restricted rights to have the sale set aside. It is now proposed that apart from such rights, such debtors shall have the benefit of the Act subject to further restrictions. He is asked to pay only 70 per cent. of the Debt. He is allowed one year's time to pay and that in instalments. When it is remembered that this right is available even where a sale has been confirmed, honourable member can appreciate the immensity and importance of the benefit. When it is realised that this is a general right available to all debtors members will be in a better position to appreciate the beneficence of the provision.

What Mr. Kurup was saying that what is contained in the Debt Relief Committee's report is more beneficial to the debtors. Mr. E. Subramonia Aiyar has well answered that point. It does not provide for all sale being set aside. It said that the Court shall set aside the sale only if it is found that the debt after scaling down in accordance with the provisions contained in Section 5 is something less than that for which the property was sold. If that is so where all interest has been paid by the debtor or realised by the sale of other properties on an earlier date, the sale will not be reopened, because there will be nothing by which the debt can be scaled down under clause 5 of this Bill. Here it is more liberal. Every sale can be set aside provided the party pays 70 per cent. of the debt and for that he is given one years's time without any interest. It is also said that discount need not be given—5 per cent. discount without which no sale can be set aside. All these concessions are given. It is unjust to demand more. I would request Mr. Kurup to withdraw his motion.

MR. N. NARAYANA KURUP: The time which is specified in this Section is quite important. This section is incorporated with the idea that the sales which have taken place after 1-1-1114, that is after the appointment of the Debt Relief Committee to go into the question of the indebtedness, shall be set aside. Whatever may be the opinion expressed by the Legal Remembrancer now, it was the intention at that time that the debtor shall not suffer by the hurried execution proceedings against the property of the debtor and even if the sale has taken place after the constitution of the committee, it shall be set aside, to help the debtor. With that idea a draft bill was published by the committee. Seeing that many debtors were not even put in a petition under Order 21 rule 87, thinking that the sale will be set aside, giving him time up to 8 or 9 years.

MR. PUTHUPALLY S. KRISHNA PILLAI: How did they entertain such an idea? Who advised them to take such an attitude?

MR. N. NARAYANA KURUP: They did not apply for setting aside the sales. At any rate the intention was to help the debtors. If the sale is set aside the debtor has to pay 70 per cent. of the amount within one year. In Section 9 the least time allowed to pay the debt is two years. On this Section the whole debt has to be paid within one year. Therefore I think that this amendment is quite essential and therefore I press it.

The amendment was put to vote and lost.

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MR. N. NARAYANA KURUP : I demand a poll.

A poll was taken and the House divided as follows :—

AYES—13.

1 Mr. Kottalil P. Abraham	7 Mr. M. G. Kesava Pillai
2 ,, M. L. D'Cruz	8 ,, T. C. Kesava Pillai
3 ,, S. Govinda Pillai	9 ,, Varkala K. Madhavan
4 ,, M. L. Janardana Pillai	10 ,, N. Narayana Kurup
5 ,, Karnanthodath Janardanan Nair	11 ,, N. Ramakrishna Pillai
	12 ,, P. Sivarama Pillai
6 ,, Padiyara Joseph Kunju	13 ,, G. Velu Pillai

NOES—29.

1 Mr. P. C. Adichan	16 Mr. Puthupally S. Krishna Pillai
2 Sahib Bahadur V. Chandamiah	17 ,, M. Ramachandra Rao
3 Mr. K. Dominic Joseph	18 ,, K. Kunju Panickar
4 ,, K. V. Joseph	19 ,, P. V. Mathai Chemparathy
5 ,, N. V. Joseph	
6 ,, Menatheri N. Kesava Panikkar	20 ,, M. R. Narayana Pillai
	21 ,, Codiveetil C. Ramankunju
7 ,, T. T. Kesavan Sastri	22 ,, E. Subramonia Aiyar
8 ,, Kaviyoor K. K. Kochukunju	23 ,, Puliyoor T. P. Velayudhan Pillai
9 ,, Thamarappallil Kochuthommen	
	24 ,, N. Velu Achari
10 ,, N. R Krishnan	25 ,, P Vivekanandam
11 ,, A. K. Kumaran Vaidyan	26 ,, C. Kumara Das
12 ,, Thariathu Kunjithommen	27 ,, M. S. Dhoraswami Aiyangar
13 ,, M. K Nilakanta Aiyar	28 Dr. H. Parameswaran
14 ,, S. Sundararajan	29 Mr. A. Gopala Menon
15 ,, K. Sankaran	

NEUTRALS—7.

1 Mr. C. Jebamony Nadar.	5 Mr. S. Narayana Pillai
2 ,, K. P. Kochukora Tharakan	6 ,, P. Narayana Pillai
3 ,, P. Kunjukrishnan	7 ,, R. Sambasiva Aiyar
4 Sahib Bahadur P. S. Muhammed	

The question that Clause 13 do stand part of the Bill was put and carried.

The Clause was added to the Bill.

Clause 14.

The question that clause 14 do stand part of the Bill was put.

MR. R. SAMBASIVA AIYAR : I oppose.

Clause 12 was put to vote and carried.

The Clause was added to the Bill.

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Clause 15.

MR. PUTHUPALLY S. KRISHNA PILLAI : I move the following amendment :—

"In clause 15 —

(a) In sub-clause (1), the words "within six months from the commencement of the Act" shall be omitted.

(b) In sub-clause (3) a comma shall be substituted for the full stop appearing at the end of the sub-clause and the following shall be added thereafter :—
"and no second application for the same purpose shall be entertained".

The object of the first part of the motion viz., the omission of the words "within six months from the commencement of the Act" is to make sub-clause (1) more useful. Clause 15, sub-clause (1) makes it obligatory for the debtor to put in the application within six months. This is an unnecessary restriction and therefore these words are proposed to be omitted.

Sub-clause (3) as amended would read as follows :—

"An application under sub-section (1) shall be dismissed if the debtor fails to deposit with the Court or authority before which such application is pending the amount of any instalment which on his admission is payable by him under the provisions of this Act, and no second application for the same purpose shall be entertained".

This amendment is meant only to make the position more clear that no second application shall be entertained.

I move these amendments for the acceptance of the house.

MR. M. RAMACHANDRA RAO : I second it.

The amendment was put to vote and carried.

MR. N. NARAYANA KURUP : Sir, I move for the deletion of sub-clause 7. Sub-clause 7 is this :—

"There shall be no second appeal against any order passed by the appellate Court or authority under sub-section (6)".

The object of deleting that sub-clause is to suggest that there must be a second appeal. If the Lower Court goes wrong, there must be a second appeal to the High Court so that we may get full Justice in cases involving question of laws.

MR. PUTHUPALLY S. KRISHNA PILLAI : I oppose the amendment. The object is to provide a summary remedy and to guarantee that such opportunity should not be abused. Ordinarily second appeals are allowed only in a limited class of cases. Even in very big cases there is only one appeal provided. There is only one appeal provided in case where the suit value exceeds Rs. 1,000.

MR. E. SUBRAMONIA AIYAR : Even apart from that clause, should there be that necessity if the decisions of both the courts are concurrent ?

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MR. PUTHUPALLY S. KRISHNA PILLAI: But it may be that one court may disagree with the other. We are not dealing with concurrent cases alone. The Munsiff may decide in one way and the District Judge in another. Under Section 15 there will be no second appeal even in such cases.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Kottayam*): May I know whether the provision allows a revision petition to the High Court?

MR. PUTHUPALLY S. KRISHNA PILLAI: Whether or not there is second appeal, the High Court are competent to interfere if there is an error of law in the decision of a case in the subordinate court. There ought to be no fear on that. Member may note that there is no second appeal against any order as such unless such order is treated as a decree. By this it is provided that such orders are only orders and not decrees. I ask Mr. Kurup whether if this is deleted he will get a right of second appeal. With these words I oppose the motion.

MR. N. NARAYANA KURUP: I withdraw the motion.

The motion by leave was withdrawn.

The question that clause 15 do stand part of the Bill was put to vote and carried.

Clause 15 was added to the Bill.

New Clause.

MR. N. NARAYANA KURUP: I move that the following may be added as clause 15 A:

"For all debts to which this act applies,—interest at 6 per cent. per annum or the contract rate whichever is less alone shall be calculated from 23-5-1112.

The object of this amendment is to bring to the notice of this House that there is no definite rate of interest specified. If the Act of 1112 is repealed even 6 per cent. rate of interest conferred on agricultural debts is taken away. If the Honourable Legal Remembrancer says that the benefit will not be taken away, then there is another difficulty cropping up. That is, evidence will have to be adduced as to who is an agriculturist and who is not. If the Act III of 1112 is applicable to the agriculturist, then all the debtors would say that they are agriculturists. That would cause much delay in court procedures. To avoid all these things, the Legal Remembrancer told us that he has worded the sections in such a way as not to cause delay. With these words I move the motion for the acceptance of the House.

MR. KANNANTHODATH JANARDANAN NAIR: I second it.

MR. E. SUBRAMONIA AIYAR: I am not here to support or oppose the motion. Now, the question for consideration is what is the interest which a whole debt should pay from 23-5-1112, the date on which the Agriculturists' Relief Act came into force. In this bill, the last clause says that that Act is repealed. The contention of my friend Mr. Kurup is that when the Act is repealed the benefit of the 6 per cent. interest conferred by that Act upon one class of debtors may not be

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availed of by that class of debtors. I am here aware of the provision in the General Clauses Act which says that the repeal of an Act shall not affect the rights that had already accrued under that repealed Act. If under an Act the Legal right is acquired by a citizen or by any private party, that right will not be lost by the repeal of that particular Act under which the right accrues. The question therefore might arise whether the right conferred upon the debtor by the Act of 1112 to pay interest at a reduced rate can be deemed to be a right of such a nature as will not be affected by the bill. I am not here giving any confident opinion about the point. No doubt, it may be argued with great force that the right of the debtor acquired by him under the Agriculturist' Relief Act to pay only 6 per cent interest from 23-5-1112 may not be lost when the Act is repealed, at least during the time when the Act was in force. But with respect to the other debtors, they have no right. It may also be argued on the other side, that, after all, the right to pay interest, was an essential privilege. I would draw a distinction between right and privilege. When we are driving to that we will certainly raise a distinction. We must see whether a privilege or a concession given to a person by a statute will not be taken away when the Statute is repealed because primarily, a repeal of an Act has no existence. When it is repealed we forget it with the exception of the knowledge that the acquired rights should be maintained. The right to pay interest is a concession given to the debtor.

MR. JOSEPH VITHAYATHIL (*Kunnatnad* cum *Parur*): With reference to the wording "which shall accrue" or "no interest shall accrue", is it a concession to the debtor?

MR. E. SUBRAMONIA AIYAR: My friend Mr. Joseph Vithayathil have certainly followed my line of argument. What I have said is that the question is one attended with certain complexities. That is to say, it is a moot point; because when an Act is repealed it is wiped out.

MR. JOSEPH VITHAYATHIL: Does not the General Clauses Act specifically show that its provisions do affect the Act?

MR. E. SUBRAMONIA AIYAR: I should be enlightened on that point by a specific reference to a section which says that the repeal of the Act will not affect the operation of a particular section. If I am enlightened I shall subscribe myself to that view point. As far as my knowledge of General Clauses Act goes, the Act enunciates that by a repeal of an Act it is wiped out of the statute reserving in tact the rights acquired by the statute. The only question whether that particular provision of the Agriculturists' Relief Act is construed as a right acquired or should be treated only as a mere concession or privilege given for a temporary relief of the debtor. That is the only question. But I am unable to come to the conclusion one way or the other. The Section says "notwithstanding anything contained in any law no interest shall accrue or permitted to accrue....." Take away Section 34. We forget the fnndamental principle, *i. e.*, when an Act is repealed there is no Act. I don't mean to say that it may not be argued with

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[Mr. E. Subramonia Aiyar]

considerable force under Section 34 that a right had been acquired. And it may be argued that it is not a right but only a concession. In this way it raises so many complexities. So, if the intention of the House is to allow only 6 per cent interest upon debts from 23-5-1112 to the commencement of the Act, why should the Bill give room for such questions of interpretation for the discussion of subtle questions of law such as acquired rights, privileges, concessions, etc. We are now here with the Bill before the legislature. It is no matter whether Government would make alterations in it or not. If the intention of the House is to give this concession, that is, the whole debts should bear only 6 per cent interest from 23-5-1112 to the date of the commencement of the Act, is it not better to say so?

If the intention of the house is to say that all debts should bear only 6 per cent interest from 23rd Dhanu 1112 to the commencement of the Act, it would be better to say so in view of the difficulties which might arise and in view of the complications to which it will lead. If there is no difficulty at all, as Mr. Joseph Vithayathil thinks, I may say that I have very good grounds to argue in the matter if a case is raised before a Court of Law, but I do not say we can get success.

MR. PUTHUPALLY S. KRISHNA PILLA: Why?

MR. E. SUBRAMONIA AIYAR: The prediction of success depends upon various factors.

MR. PUTHUPALLY S. KRISHNA PILLAI: Even in the position he assumes, has he not confidence?

MR. C. JEBAMONY NADAR: Why not you allow the section as it is?

MR. E. SUBRAMONIA AIYAR: That is a point which raises difficulties. Then another point will also arise, because under the section it is stated that in the case of debt, if part of it is renewed, included or imported in a fresh document or a decree or in favour of a decree subsequent to 1112 etc., the Act will apply. Supposing a debt is a renewal from 23-10-1112 and supposing it bears 9 per cent interest there. Are we to apply only 6 per cent or are we to apply 9 per cent? Various difficulties will arise. I am not concerned with all that. If only 6 per cent interest should be levied on the debt from 23rd Dhanu 1112, be it agricultural debt or trade debt, up to the commencement of the Act and four per cent thereafter, I ask can't we put it down more clearly. These are observations I am compelled to make on the amendment, but neither for supporting nor for opposing it.

MR. PUTHUPALLY S. KRISHNA PILLAI: I thought when I listened patiently to the learnned member Mr. E. Subramonia Aiyar that I would get some enlightenment on the controversial matter, but after all he has said I am not in a better position than I was when he began. This was a matter on which there was a lot of controversy both on the introductian of the Bill and in the Select Committee. Discussions on the Select Committee I cannot repeat, but we came to the conclusion

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or rather I was able to convince the honourable member that his apprehension was quite unfounded. Eeven now, Sir, I am emboldened to say that his apprehension is unfounded. If the learned member is not able to assure the House and convince them that there is a necessity for it how can the House be induced to make a provision for it. If Mr. Subramonia Aiyar is not able to assure the House, how am I justified in going back upon the position I had adopted? I want better argument or a better lawyer to convince me that what has been done by the Select Committee is not correct. It must be remembered that Section 34 was intended for operation only for three years and that it has been extended to 31st Karkatagam 1115 by a Royal Proclamation. The Section reads:

"Notwithstanding anything in any law, contract, decree or order of court, no interest shall accrue, or permitted to be recovered as accruing for a period of three years from the date of the commencement of this Regulation in respect of any debt (not due in paddy or grain) in existence on such date, at any rate exceeding 6 per cent. per annum".

The section provides that notwithstanding anything contained in any law, contract or order of the Court, *no interest shall accrue*..... If that is the command of the legislature, no interest has accrued contrary to that command during that period. What, if I repeal the Act? Will interest immediately jump up and begin to accrue during the prohibited period?

MR. E. SUBRAMONIA AIYAR: I ask one question. Sir. When the Act is repealed, where is the Section?

MR. PUTHUPALLY S. KRISHNA PILLAI: No interest shall accrue, that is my position. Supposing the section dies to-morrow. It is likely to meet with a natural death on the 1st of Chingom 1116. Does the member think that when that section meets with its natural death, all interest will suddenly jump up during the period when it was in operation? If the member is confident or at least if the member's fears are founded on any authority, I am prepared to be convinced. If the objection is to a general repeal, the remedy is provided for a partial repeal.

That is the way of doing it, not by putting forward a new clause and making confusion.

I come to Mr. Kurup's proposal.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Devicolam*): What does the word 'debt' in general mean in the present Bill?

MR. PUTHUPALLY S. KRISHNA PILLAI: Debt means any debt and includes Agricultural Debt. Section 34 of the Debt Relief Act does not apply to any debt other than Agricultural Debt.

If the new clause is adopted it will go counter to the principles of the Bill already adopted. The new clause says:—

"For all debts to which this Act applies, interest at 6 per cent. per annum or the contract rate, whichever is less, alone shall be calculated from 23 5-1112."

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[Mr. Puthupally S. Krishna Pillai]

That means till what date? Is it till the realisation of the Debt? If so, I have offered better terms at least from the date of commencement of the Act.

MR. N. NARAYANA KURUP: Suppose it is till the date of the commencement of this Bill.

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I am concerned with the motion as it stands and not with whatever the member may bring forward. When the member brings forward an amendment that amendment may be considered and rejected or accepted by the House. I am not here, or we are not here for discussing amendments that might have been brought forward. We shall confine our attention to the amendment that is before the House. That amendment is not acceptable.

MR. NARAYANA KURUP: What my intention.....

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, we are not talking about intentions, but with what contained in the new clause.

DEPUTY PRESIDENT: Mr. Narayana Kurup, be brief. You have no right to reply.

MR. N. NARAYANA KURUP: The fact is, Sir, the amendment is not uncouth, I am sure. The amendment will carry the meaning it is intended to convey. Taking the whole legislation together, the amendment will mean that interest at 6 per cent. will be charged from the date of the Act till the commencement of this Bill. I can also be intemperate and raise a loud voice.

MR. PUTHUPALLY S. KRISHNA PILLAI: A word of personal explanation, Sir. It is not a question of losing temper. I was only speaking up.

MR. N. NARAYANA KURUP: My amendment is reasonable and an acceptable one and to avoid any difficulty I want it to be accepted.

MR. JOSEPH VITHAYATHIL: Will this not affect the interest on bank debts?

DEPUTY PRESIDENT: This will not. In the previous clause that has been explained already.

MR. JOSEPH VITHAYATHIL. With regard to the rate of interest on bank debts, 9 per cent. is provided in Clause 6. I want to know whether the rate of interest is 6 per cent. on all debts including bank debts?

DEPUTY PRESIDENT: That is a matter for interspretation.

The amendment of Mr. N. Narayana Kurup that the following section—

> "For all debts to which this Act applies, interest at 6 per cent. per annum or the contract rate, whichever is less, alone shall be calculated from 23-5-1112"

be added as Section 15A was put to vote and declared lost.

MR. N. NARAYANA KURUP: I demand a poll.

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A poll was taken and the House divided as follows :—

AYES, 6.

1 Mr. S. Govinda Pillai	4 Mr. M. R. Narayana Pillai
2 ,, Kannanthodath Janardanan Nair	5 ,, N. Ramakrishna Pillai
3 ,, N. Narayana Kurup	6 ,, M. G. Kesava Pillai

NOES—23.

1 Mr. Kottalil P. Abraham	13 Mr. Menatheri N. Kesava Panickar
2 ,, P. C. Adichan	14 ,, T. C. Kesava Pillai
3 ,, N. V. Joseph	15 ,, M. Ramachandra Rao
4 ,, Joseph Vithayathil	16 ,, M. K. Nilakanta Aiyar
5 ,, K. P. Kochukora Tharakan	17 ,, S. Sundararajan
6 ,, N. R. Krishnan	18 ,, C. Kumara Das
7 ,, A. K. Kumaran Vaidyan	19 ,, A. Gopala Menon
8 ,, S. Narayana Pillai	20 Dr. H. Parameswaran
9 ,, P. Narayana Pillai	21 Mr. M. S. Doraswami Aiyangar
10 ,, Codiveetil C. Ramankunju	22 ,, K. Sankaran
11 ,, N. Velu Achari	23 ,, Puthupally S. Krishna Pillai
12 ,, K. V. Joseph	

NEUTRALS—16.

1 Mr. Sahib Bahadur P. S. Muhamed	9 Mr. R. Sambasiva Aiyar
2 ,, K. Kunju Panickar	10 ,, Thariathu Kunjithommen
3 ,, Puliyoor T. P. Velayudhan Pillai	11 ,, C. Jebamony Nadar
4 ,, M. L. Janardana Pillai	12 ,, P. V. Mathai Chemparathy
5 ,, G, Velu Pillai	13 ,, P. Kunjukrishnan
6 ,, K. Dominic Joseph	14 ,, M. L. D'Cruz
7 ,, Varkala K. Madhavan	15 ,, K. G. Kunjukrishna Pillai
8 ,, E. Subramonia Aiyar	16 ,, Thamarappallil Kochuthommen

The amendment was declared lost.

Clauses 16 and 17.

MR. C. JEBAMONY NADAR : I move the following amendment :—

"In Clause 16, sub-clause (4) delete the words "Rs. 2,000" and substitute the words "its pecuniary jurisdiction".

This amendment is more or less of a technical nature. Under the Civil Courts Act, Munsiffs' courts have pecuniary jurisdiction up to Rs, 2,000 with two exceptions *viz*: the Munsiffs' courts at Devicolam and Shencottah. The clause as it stands limits the jurisdiction which they are exercising at present. So, if my amendment is adopted there will be no interference with the existing jurisdiction of any court. I do not see also any reason as to why the legislature should reduce their jurisdiction in a matter like this which is after all only a petition matter. Hence I move this amendment to avoid a conflict of laws

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MR. R. SAMBASIVA AIYAR: I second it.

MR. PUTHUPALLY S. KRISHNA PILLAI: I oppose the amendment. The matter was discussed in the Select Committee and it was decided that no munsiffs shall have jurisdiction if the debt exceeds Rs. 2,000 and that where a debt exceeds Rs. 2,000 it should necessarily go to the District Court. The matter therefore did not escape the notice of the Select Committee. The amount was deliberately put there.

As regards my friend's point that in the case of the Munsiffs' Courts at Devicolam and Shencottah difficulty may arise, I would say that it is only a summary remedy which is given and that the trial is summary and that therefore it is not advisable that matters involving large amounts should be left to be summarily disposed of by Munsiffs. Therefore the Select Committee deliberately fixed the amount not exceeding Rs. 2,000 for Munsiff's Court and over Rs. 2,000 for District Courts. I therefcre, oppose the amendment.

The amendment was put to vote and declared lost

The question that clauses 16 and 17 do stand part of the Bill was put and declared carried.

Clauses 16 and 17 were added to the Bill.

Clause 18.

The question that clause 18 do stand part of the Bill was put and declared carried. Clause 18 was added to the Bill.

Clauses 19 and 20.

The question that clauses 19 and 20 do stand part of the Bill was put and declared carried. The clauses 19 and 20 were added to the Bill.

Caluse 21.

The question that clause 21 do stand part of the Bill was put and declared carried. Clause 21 was added to the Bill.

Clause 22.

The question that clause 22 do stand part of the Bill was put and declared carried. Clause 22 was added to the Bill.

Clauses 23 and 24.

The question that clauses 23 and 24 do stand part of the Bill was put and declared carried. Clauses 23 and 24 were added to the Bill.

Clause 25.

The question that clause 25 stand part of the Bill was put and declared carried. Clause 25 was added to the Bill.

Preamble.

The question that the Preamble do stand part of the Bill was put and declared carried.

The Preamble was added to the Bill.

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Title.

The question that the Title do stand part of the Bill was put and declared carried.

The Title was added to the Bill.

MR. PUTHUPALLY S. KRISHNA PILLAI: Certain amendments have been made by this House in the Bill as revised by the Select Committee and it is necessary that I should take some little time to arrange these things in order and to consider whether any further amendments are necessary. That will take at least some two or three days' time. Before the business of the Assembly in the session is over, I shall move for the allotment of special time for the third reading of this Bill. In any case I will not take more than two or three days' time. The exact date appointed for the third reading of the Bill will be intimated to the House on Monday.

DEPUTY PRESIDENT: The House will now adjourn and meet at 11 o' clock on Monday morning.

The House adjourned at 9-40 P. M.

A. GUNAMONY,

Secretary to the Sri Mulam Assembly.

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